

News

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FOR IMMEDIATE RELEASE

NEW COMPARABLE WORTH BILL CONTAINS SAME FLAWS AS OLD BILL, NAM SAYS

WASHINGTON, DC, July 23, 1985 -- The National Association of Manufacturers urged Congress to reject a new comparable worth bill, HR. 3008, saying it contained the same "basic flaws" as H.R. 27, a bill previously introduced by Rep. Mary Rose Oakar (D-OH).

Sharon Spigelmyer, director of human resources and equal opportunity for NAM, told members of the House Subcommittee on Compensation and Employee Benefits NAM opposes the bill because it continues to assume that any unexplained wage gaps are the result of discrimination.

"The new bill relies on job evaluations as objective measures of job worth and resultant discrimination. They are not," she said.

"Secondly, the bill wrongly assumes that Title VII of the Civil Rights Act and the Equal Pay Act encompass a comparable worth theory of discrimination. They do not."

Spigelmyer said the "overwhelming majority" of courts have rejected comparable worth as a theory on which to base a complaint and urged Congress to stop further action on the bill until the Ninth Circuit Court of Appeals rules on the AFCSME v. State of Washington case. The case is the only one in which a court has accepted the comparable worth theory, according to Spigelmyer.

"Many are expecting that the case will be remanded for further evidence or rejected outright. At any rate, the ramifications of the case are so great that it would only make good sense for the Congress not to proceed."

She said a majority of courts and other experts have also found that job evaluations are "subjective and cannot by themselves be used to evaluate the extent of either sex or race discrimination."

NAM also criticized the bill for not including market factors, such as supply and demand, in its economic analysis of pay differentials. The bill also includes a new form of discrimination, nowhere included in Title VII, based on ethnicity, a term defined in the bill as relating only to Hispanics.

"The term ethnicity or specific reference to Hispanics is nowhere contained in Title VII. Furthermore, no interest is shown in practices that may be evidence of discrimination against other ethnic groups," Spigelmyer pointed out.

Spigelmyer said NAM does not oppose a review of the current federal system to determine if women or minorities are being denied opportunities, promotion, training or equal pay for equal work. "H.R. 3008 goes far beyond reviewing the federal pay system for violations of current law. In fact, the bill would change present law by creating a presumption of wage discrimination wherever there is an unexplained wage gap. NAM members will continue to oppose any legislation which will set a precedent for discrimination based solely on the comparison of dissimilar jobs."

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